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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 1268/2/2

First Inventor David A. Lightfoot

Title See 1 in Addendum

Express Mail Label No. ET475301932US

879 09 954773

879 09 954773

09/18/01

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification [Total Pages 125]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) [ Total Sheets 23 ]
5. Oath or Declaration [ Total Pages 4 ]  
 a.  Newly executed (original or copy)  
 b.  Copy from a prior application (37 CFR 1.63 (d))  
     (for continuation/divisional with Box 18 completed)
  - i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(b) Statement  Power of Attorney  
(when there is an assignee)
11.  English Translation Document (if applicable)
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS  
Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15.  Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16.  Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17.  Substitute Sequence Listing..  
Other: (155.pages).....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

 Continuation  Divisional  Continuation-in-part (CIP)

of prior application No. 09 / 007,119

Prior application information:

Examiner Kimball, M.

Group Art Unit 1638

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label (Insert Customer Number or Bar code label here)	or <input type="checkbox"/> Correspondence address below		
Name	25291 PATENT TRADEMARK OFFICE		
Address			
City	State	Zip Code	
Country	Telephone	Fax	

Name (Print/Type)	Arles A. Taylor, Jr.	Registration No. (Attorney/Agent)	39,395
Signature	<i>Arles A. Taylor, Jr.</i>		Date September 18, 2000

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

09/18/01  
JC885 U.S.  
TO

RICHARD E. JENKINS  
JEFFREY L. WILSON  
ARLES A. TAYLOR, JR.

JENNIFER L. SKORD  
DAVID P. GLOEKLER  
GREGORY A. HUNT  
JOHN A. LAMERDIN, PhD. (PATENT AGENT)  
DAVID P. STITZEL (PATENT AGENT)  
JULIE A. BROADUS, PhD. (PATENT AGENT)  
E. ERIC MILLS, P.E. (PATENT AGENT)

09-19-01  
JENKINS & WILSON, P.A.

PATENT ATTORNEYS  
SUITE 1400 UNIVERSITY TOWER  
3100 TOWER BOULEVARD  
DURHAM, NORTH CAROLINA 27707

TELEPHONE (919) 493-8000  
FACSIMILE (919) 419-0383

WEBSITE  
JENKINSANDWILSON.COM

RALEIGH OFFICE

NCSU CENTENNIAL CAMPUS  
VENTURE II SUITE 400  
920 MAIN CAMPUS DRIVE  
RALEIGH, NORTH CAROLINA 27606

TELEPHONE (919) 424-3710  
FACSIMILE (919) 424-3711

September 18, 2001

"Express Mail" mailing number.: ET475301932US

Date of Deposit 9-18-2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner of Patent and Trademarks, Washington, D.C.

Katrina T. Holland

Katrina T. Holland

Commissioner for Patents  
BOX PATENT APPLICATION  
Washington, D.C. 20231

Re: U.S. Patent Application for SOYBEAN SUDDEN DEATH SYNDROME  
RESISTANT SOYBEANS, SOYBEAN CYST NEMATODE  
RESISTANT SOYBEANS AND METHODS OF BREEDING AND  
IDENTIFYING RESISTANT PLANTS  
Our File No. 1268/2/2

Sir:

Please find enclosed the following:

1. A U.S. patent application for SOYBEAN SUDDEN DEATH SYNDROME RESISTANT SOYBEANS, SOYBEAN CYST NEMATODE RESISTANT SOYBEANS AND METHODS OF BREEDING AND IDENTIFYING RESISTANT PLANTS (125 pages);
2. Twenty-three (23) sheets of formal drawings;
3. Sequence Listing in paper and computer readable form (CRF);
4. Statement That Sequence Listing and Computer Readable Copy are the Same;
5. Preliminary Amendment (3 pages) with Substitute Sequence Listing (155 pages);
6. Copy of executed Declaration (4 pages);

09/18/01  
JC885 U.S.  
TO

Commissioner for Patents  
September 18, 2001  
Page 2

7. Utility Patent Application Transmittal Form (Form PTO/SB/05, 2 pages);
8. Fee Transmittal Form (Form PTO/SB/17) in duplicate;
9. A check in the amount of \$698.00 to cover the application filing fee;
10. A return-receipt postcard to be returned to our offices with the U.S. Patent and Trademark Office date stamp thereon; and
11. A Certificate of Express Mail No.: ET475301932US.

Please contact our offices if there are any questions.

Although a check is being submitted, the Commissioner is hereby authorized to charge any deficiency or credit any overpayment associated with the filing of this correspondence to Deposit Account Number **50-0426**.

Respectfully submitted,

JENKINS & WILSON, P.A.



Arles A. Taylor, Jr.  
Registration No. 39,395  
Customer No. Bar Code Label:

AAT/ajm

Enclosures



25297

PATENT TRADEMARK OFFICE

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 698.00)

## Complete if Known

Application Number	
Filing Date	
First Named Inventor	David A. Lightfoot
Examiner Name	
Group Art Unit	
Attorney Docket No.	1268/2/2

## METHOD OF PAYMENT

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number   
Deposit Account Name

Charge Any Additional Fee Required  
Under 37 CFR 1.16 and 1.17

Applicant claims small entity status.  
See 37 CFR 1.27

2.  Payment Enclosed:

Check  Credit card  Money Order  Other

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee (\$)	Fee Code (\$)	Fee (\$)	Fee Description	Fee Paid
105	130	205	65		Surcharge - late filing fee or oath	<input type="text"/>
127	50	227	25		Surcharge - late provisional filing fee or cover sheet	<input type="text"/>
139	130	139	130		Non-English specification	<input type="text"/>
147	2,520	147	2,520		For filing a request for ex parte reexamination	<input type="text"/>
112	920*	112	920*		Requesting publication of SIR prior to Examiner action	<input type="text"/>
113	1,840*	113	1,840*		Requesting publication of SIR after Examiner action	<input type="text"/>
115	110	215	55		Extension for reply within first month	<input type="text"/>
116	390	216	195		Extension for reply within second month	<input type="text"/>
117	890	217	445		Extension for reply within third month	<input type="text"/>
118	1,390	218	695		Extension for reply within fourth month	<input type="text"/>
128	1,890	228	945		Extension for reply within fifth month	<input type="text"/>
119	310	219	155		Notice of Appeal	<input type="text"/>
120	310	220	155		Filing a brief in support of an appeal	<input type="text"/>
121	270	221	135		Request for oral hearing	<input type="text"/>
138	1,510	138	1,510		Petition to institute a public use proceeding	<input type="text"/>
140	110	240	55		Petition to revive - unavoidable	<input type="text"/>
141	1,240	241	620		Petition to revive - unintentional	<input type="text"/>
142	1,240	242	620		Utility issue fee (or reissue)	<input type="text"/>
143	440	243	220		Design issue fee	<input type="text"/>
144	600	244	300		Plant issue fee	<input type="text"/>
122	130	122	130		Petitions to the Commissioner	<input type="text"/>
123	50	123	50		Processing fee under 37 CFR 1.17(q)	<input type="text"/>
126	180	126	180		Submission of Information Disclosure Stmt	<input type="text"/>
581	40	581	40		Recording each patent assignment per property (times number of properties)	<input type="text"/>
146	710	246	355		Filing a submission after final rejection (37 CFR § 1.129(a))	<input type="text"/>
149	710	249	355		For each additional invention to be examined (37 CFR § 1.129(b))	<input type="text"/>
179	710	279	355		Request for Continued Examination (RCE)	<input type="text"/>
169	900	169	900		Request for expedited examination of a design application	<input type="text"/>
Other fee (specify) _____						

SUBTOTAL (1) (\$ 355.00)

## 2. EXTRA CLAIM FEES

Total Claims	27	-20** =	7	X	9	=	63
Independent Claims	10	-3*** =	7	X	40	=	280
Multiple Dependent							

Extra Claims  
Fee from  
below  
Fee Paid

## Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description		
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 343.00)

\*\*or number previously paid, if greater; For Reissues, see above

\*Reduced by Basic Filing Fee Paid SUBTOTAL (3) (\$ 0.00)

## SUBMITTED BY

## Complete if applicable

Name (Print/Type)	Arles A. Taylor, Jr.	Registration No. (Attorney/Agent)	39,395	Telephone	(919)493-8000
Signature	<i>Arles A. Taylor, Jr.</i>			Date	09-18-01

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

## Addendum

1. SOYBEAN SUDDEN DEATH SYNDROME RESISTANT SOYBEANS, SOYBEAN CYST NEMATODE RESISTANT SOYBEANS AND METHODS OF BREEDING AND IDENTIFYING RESISTANT PLANTS

"Express Mail" mailing number.: ET475301932US

Date of Deposit 9-18-2001

I hereby certify that this paper and all papers and fees referred to herein are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner of Patents, Washington, D.C.  
Katrina T. Holland

PC879 U.S. PTO  
09/18/01  
PATENT

Katrina T. Holland

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Lightfoot et al.

Group Art Unit: 1638

**Serial No.: To Be Assigned**

Examiner: Kimball, M.

Filed: Herewith

Docket No.: 1268/2/2

For: SOYBEAN SUDDEN DEATH SYNDROME RESISTANT SOYBEANS,  
SOYBEAN CYST NEMATODE RESISTANT SOYBEANS AND METHODS OF  
BREEDING AND IDENTIFYING RESISTANT PLANTS

\* \* \* \* \*

STATEMENT THAT SEQUENCE LISTING AND  
COMPUTER READABLE COPY ARE THE SAME

Commissioner for Patents  
Washington, D.C. 20231

Sir:

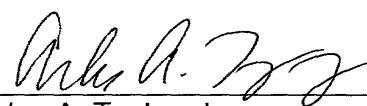
In accordance with 37 C.F.R. § 1.821(f), applicants hereby state that the Sequence Listing information recorded in computer readable form is identical to the written Sequence Listing on paper.

Although it is believed that no fee is due, the Commissioner is hereby authorized to charge any deficiencies of payment associated with the filing of this correspondence to Deposit Account No. 50-0426.

Respectfully submitted,

JENKINS & WILSON, P.A.

Date: September 18, 2001 By:

  
Arles A. Taylor, Jr.  
Registration No. 39,395

Suite 1400 University Tower  
3100 Tower Boulevard  
Durham, North Carolina 27707  
Telephone: (919) 493-8000  
Facsimile: (919) 419-0383

Customer No. Bar Code Label: 

25297

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